

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

MICHAEL JOHN ROBERTS,

Plaintiff,

v.

Civil Action No. 2:16-cv-10813

SOUTH CENTRAL REGIONAL JAIL and  
CHAD SMAR,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to United States Magistrate Judge Dwane L. Tinsley for submission to the court of his Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On January 17, 2020, the magistrate judge entered a PF&R recommending dismissal of the South Central Regional Jail as a defendant pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2)(B). That same day, the magistrate judge entered an order and notice directing plaintiff to advise the court by January 31, 2020 of his intent to pursue this civil action against defendant Chad Smar. The order and notice further notified plaintiff that failure to comply with these instructions would result in a recommendation that the court dismiss this case for failure to prosecute. After receiving no response from plaintiff, the magistrate judge

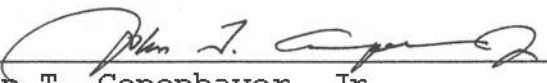
entered another PF&R on April 1, 2020 recommending that the court dismiss this matter for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Plaintiff having not filed any objections to either PF&R, and it appearing that plaintiff's case against South Central Regional Jail is dismissible for failure to state a claim, it is ORDERED that the findings made in the PF&Rs of the magistrate judge entered on January 17 and April 1, 2020 be, and they hereby are, adopted by the court and incorporated herein.

Accordingly, it is ORDERED that South Central Regional Jail be, and it hereby is, dismissed with prejudice pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2)(B). It is further ORDERED that this civil action as to Chad Smar be, and it hereby is, dismissed without prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The Clerk is directed to forward copies of this memorandum opinion and order to plaintiff, all counsel of record, and the United States Magistrate Judge.

Enter: May 7, 2020

  
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John T. Copenhaver, Jr.  
Senior United States District Judge